

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ATLAS DATA PRIVACY CORPORATION, *as assignee of individuals who are covered persons*, JANE DOE-1, *a law enforcement officer*, JANE DOE-2, *a law enforcement officer*, EDWIN MALDONADO, SCOTT MALONEY, JUSTYNA MALONEY, and WILLIAM SULLIVAN,

Plaintiffs,

v.

CONSTELLA INTELLIGENCE, INC., RICHARD ROES 1–10, *fictitious names of unknown individuals* and ABC COMPANIES 1–10, *fictitious names of unknown entities*,

Defendants.

Case No. 1:24-cv-10571

**DEFENDANT CONSTELLA  
INTELLIGENCE, INC.’S ANSWER TO  
PLAINTIFF’S COMPLAINT,  
SEPARATE DEFENSES,  
DESIGNATION OF TRIAL COUNSEL,  
RESERVATION OF RIGHT, JURY  
DEMAND, AND CERTIFICATION**

Defendant, Constella Intelligence, Inc. (“Defendant”), by and through its undersigned counsel, by way of Answer to Plaintiff’s Complaint, says as follows:

**AS TO INTRODUCTION**

1. Paragraph 1 of the Complaint contains a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 1 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Complaint therefore, no response is provided other than to deny any allegations that may be asserted against it.

3. Paragraph 3 of the Complaint contains a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 3 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

4. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 4 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

#### **AS TO JURISDICTION AND VENUE**

5. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 5 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

6. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 6 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

7. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 7 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

8. Paragraph 8 of the Complaint contains a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 8 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

9. Paragraph 9 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 9 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

10. Paragraph 10 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 10 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

11. Paragraph 11 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 11 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

12. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 12 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

13. Paragraph 13 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 13 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

14. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 14 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

15. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 15 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

16. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 16 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

17. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 17 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

**AS TO THE PARTIES**

18. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 18 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

19. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 19 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

20. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 20 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

21. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 21 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

22. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 22 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

23. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 23 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

24. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 24 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

25. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 25 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

26. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 26 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

27. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 27 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

28. Paragraph 28 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 28 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

29. Defendant denies the allegations in Paragraph 29 of the Complaint.

30. Defendant denies the allegations in Paragraph 30 of the Complaint.

31. Defendant denies the allegations in Paragraph 31 of the Complaint.

32. Paragraph 32 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 32 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

33. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 33 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

34. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 34 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

35. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 35 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

36. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 36 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

37. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 37 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

38. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 38 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

39. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 39 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

40. Defendant denies the allegations in Paragraph 40 of the Complaint.

41. Defendant admits only that it is a Delaware corporation. Defendant denies the balance of the allegations in Paragraph 41 of the Complaint.

42. Defendant denies the allegations in Paragraph 42 of the Complaint.

43. Defendant denies the allegations in Paragraph 43 of the Complaint.

44. Defendant denies the allegations in Paragraph 44 of the Complaint.

45. Paragraph 45 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 45 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

#### **AS TO JURISDICTION AND VENUE**

46. Paragraph 46 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 46 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

47. Paragraph 47 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the

allegations in Paragraph 47 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

**AS TO FACTS COMMON TO ALL COUNTS**

48. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 48 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

49. Paragraph 49 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 49 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

50. Paragraph 50 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 50 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

51. Paragraph 51 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 51 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

52. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 52 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

53. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 53 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

54. Paragraph 54 of the Complaint is a statement of law and/or seeks a legal conclusion and, as such, no response is required. To the extent a response is required and/or to the extent the allegations in Paragraph 54 of the Complaint seek to impose and/or suggest or imply liability on the part of Defendant, Defendant denies any allegations that may be asserted against it.

55. Defendant denies the allegations in Paragraph 55 of the Complaint.

56. Defendant denies the allegations in Paragraph 56 of the Complaint.

57. Defendant denies the allegations in Paragraph 57 of the Complaint.

58. Defendant denies the allegations in Paragraph 58 of the Complaint.

59. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 59 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

60. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations asserted in Paragraph 60 of the Complaint and, therefore, no response is provided other than to deny any allegations that may be asserted against it.

61. Defendant denies the allegations in Paragraph 61 of the Complaint.

**AS TO COUNT ONE**

**(Daniel's Law)**

62. Defendant repeats and incorporates by reference its response to each of the foregoing paragraphs as if set forth at length herein.

63. Defendant denies the allegations in Paragraph 63 of the Complaint.

64. Defendant denies the allegations in Paragraph 64 of the Complaint.

65. Defendant denies the allegations in Paragraph 65 of the Complaint.

66. Defendant denies the allegations in Paragraph 66 of the Complaint.

67. Defendant denies the allegations in Paragraph 67 of the Complaint.

68. Defendant denies the allegations in Paragraph 68 of the Complaint.

**WHEREFORE**, Defendant demands the entry of judgment in its favor, dismissing with prejudice any and all claims asserted against it.

### **SEPARATE DEFENSES**

#### **FIRST SEPARATE DEFENSE**

The Complaint fails to state a claim upon which relief may be granted as a matter of law.

#### **SECOND SEPARATE DEFENSE**

Defendant did not owe a duty to Plaintiff(s).

#### **THIRD SEPARATE DEFENSE**

Defendant did not breach any legal duty owed to Plaintiff(s).<sup>1</sup>

#### **FOURTH SEPARATE DEFENSE**

Defendant was not the actual or proximate cause of the damages claimed by Plaintiff(s).

#### **FIFTH SEPARATE DEFENSE**

Plaintiff(s)' Complaint is barred by the doctrines of estoppel, waiver and/or ratification.

#### **SIXTH SEPARATE DEFENSE**

The Complaint is barred by Plaintiff(s)' failure to mitigate damages.

#### **SEVENTH SEPARATE DEFENSE**

Public policy prohibits recovery by Plaintiff(s) against Defendant.

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<sup>1</sup> In the Separate Defenses section of Defendant's Answer, "Plaintiff(s)" refers to Atlas and its alleged assignors, i.e., the "Covered Persons" referenced in the Complaint.

**EIGHTH SEPARATE DEFENSE**

The Complaint is barred by the doctrine of unclean hands and/or *in pari delicto*.

**NINTH SEPARATE DEFENSE**

Plaintiff(s)' claims are barred by principles of *res judicata*, collateral estoppel, judicial estoppel and/or equitable estoppel.

**TENTH SEPARATE DEFENSE**

Plaintiff(s)' claims are barred by the Entire Controversy Doctrine.

**ELEVENTH SEPARATE DEFENSE**

The Complaint is barred because Plaintiff-Atlas lacks standing to assert the claims stated therein.

**TWELFTH SEPARATE DEFENSE**

Plaintiff(s)' claims fail because Daniel's Law is unconstitutional.

**THIRTEENTH SEPARATE DEFENSE**

Plaintiff(s)' claims fail because Defendant does not fall within the purview of Daniel's Law.

**FOURTEENTH SEPARATE DEFENSE**

Plaintiff(s)' claims fail because Defendant has not committed a violation of Daniel's Law.

**FIFTEENTH SEPARATE DEFENSE**

Plaintiff(s)' claims fail because Defendant has not acted negligently.

**SIXTEENTH SEPARATE DEFENSE**

Plaintiff(s)' claims fail because Defendant has not unreasonably made public, disclosed, or made available private facts regarding Plaintiff(s)' home addresses or telephone numbers.

Plaintiff(s) are not entitled to actual or liquidated damages, or punitive damages.

**SEVENTEENTH SEPARATE DEFENSE**

Plaintiff(s) are not entitled to an award of attorneys' fees, interest, or costs.

**EIGHTEENTH SEPARATE DEFENSE**

Plaintiff(s) are not entitled to any equitable or injunctive relief.

**NINETEENTH SEPARATE DEFENSE**

Plaintiff's claims fail as the damages demanded in the Complaint were not the result of any action or inaction of Defendant.

**TWENTIETH SEPARATE DEFENSE**

At all relevant times, Defendant acted in good faith and with the belief that all of its actions and non-actions were lawful.

**TWENTY-FIRST SEPARATE DEFENSE**

Plaintiff's claims are frivolous, subject to *N.J.S.A. 2A:15-59.1, et seq.*

**TWENTY-SECOND SEPARATE DEFENSE**

While Defendant does not concede that it has violated Daniel's Law or that Plaintiff(s) have sustained damages, if Plaintiff(s) have sustained damages, those alleged damages are not the result of a violation of Daniel's Law on the part of Defendant and the alleged damages are the result of intervening and superseding acts of negligence or intentional conduct on the part of persons or entities over whom the Defendant had neither control nor right of control and for whose actions the Defendant is not liable.

**TWENTY-THIRD SEPARATE DEFENSE**

Plaintiff(s)' claims are barred, in whole or in part, because Plaintiff(s)' own acts or omissions, or those of a third party not under the Defendant's control, are the cause of any alleged loss.

**TWENTY-FOURTH SEPARATE DEFENSE**

The claims against Defendant are barred by the doctrines of comparative and/or contributory negligence.

**TWENTY-FIFTH SEPARATE DEFENSE**

Defendant maintains that it acted lawfully and appropriately at all times, and has in no way violated any state or federal statutory, constitutional, or common law, including but not limited to, Daniel's Law.

**TWENTY-SIXTH SEPARATE DEFENSE**

To the extent that any violation of the law is established, said violation was not intentional and resulted from conduct undertaken in good faith and from a good faith interpretation of the law.

**TWENTY-SEVENTH SEPARATE DEFENSE**

Defendant at all relevant times relied in good faith upon the advice of counsel.

**TWENTY-EIGHTH SEPARATE DEFENSE**

Neither this Court, nor the Superior Court of New Jersey, has personal jurisdiction over Defendant.

**TWENTY-NINTH SEPARATE DEFENSE**

The Complaint is barred by the applicable statute of limitations.

**THIRTIETH SEPARATE DEFENSE**

Plaintiff(s)' claims are barred by the doctrine of assumption of risk.

**THIRTY-FIRST SEPARATE DEFENSE**

Defendant reserves the right to assert additional defenses and/or supplement, alter, and change the Answer to the Complaint upon the revelation of more definite facts by the various parties to this lawsuit and third-party witnesses.

**DESIGNATION OF TRIAL COUNSEL**

Christopher Nucifora, Esq. is hereby designated as trial counsel for Defendant.

**RESERVATION OF RIGHT TO AMEND PURSUANT TO FED. R. CIV. P. 15**

Pursuant to Federal Rule of Civil Procedure 15, Defendant hereby reserves the right to amend the within pleading within twenty-one (21) days of service of the same.

**DEMAND FOR JURY TRIAL**

Defendant hereby demands a trial by jury on all issues.

**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2**

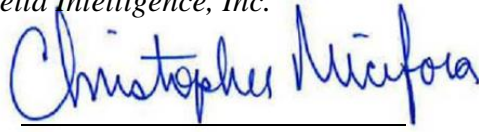
I, Christopher Nucifora, Esq., certify under penalty of perjury that the matter in controversy is the subject of numerous other lawsuits filed by Plaintiff-Atlas pending before this Court, including those bearing docket nos. 1:24-cv-04609-HB1:24-cv-04566-HB1:24-cv-04664-HB1:24-cv-04392-HB1:24-cv-04390-HB1:24-cv-04141-HB1:24-cv-04389-HB1:24-cv-04385-HB1:24-cv-04383-HB1:24-cv-04345-HB1:24-cv-04380-HB1:24-cv-04434-HB1:24-cv-04292-HB1:24-cv-04143-HB1:24-cv-04176-HB1:24-cv-04324-HB1:24-cv-04261-HB1:24-cv-04178-HB1:24-cv-04160-HB1:24-cv-04174-HB1:24-cv-04037-HB1:24-cv-04096-HB1:24-cv-04098-HB1:24-cv-04103-HB1:24-cv-04075-HB1:24-cv-04080-HB1:24-cv-04041-HB1:24-cv-04045-HB1:24-cv-04949-HB1:24-cv-05600-HB1:24-cv-05656-HB1:24-cv-05658-HB1:24-cv-05775-

HB1:24-cv-07324-HB1:24-cv-08075-HB1:24-cv-08451-HB1:24-cv-10571-HB1:24-cv-10596-HB1:24-cv-10600-HB; as well as numerous other lawsuits filed by Plaintiff-Atlas in the Superior Court of New Jersey and, upon information and belief, in several other states, as well. I further certify that I know of no party who should be joined in this action at this time.

**KAUFMAN DOLOWICH LLP**

*Attorneys for Defendant,  
Constella Intelligence, Inc.*

By:



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Dated: December 9, 2024  
Hackensack, New Jersey